

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

IN RE:)	
)	CHAPTER 13
MARY FRANCES HARGETT)	CASE NO. 19-51280
)	
Debtor.)	

RESPONSE TO OBJECTION TO AMENDED MORTGAGE CLAIM NO. 9

COMES NOW Citibank, N.A. as trustee for DMLTI Asset Trust (“Citibank”) and hereby responds to the Debtor’s Objection to its amended Proof of Claim (Claim 9-3) relative to the debtor’s residence located at 3735 Stallings Road in Harrisburg, NC (the “Real Property”) as follows:

1. As of the petition date, Citibank was the holder of a Note secured by a perfected first lien on the Real Property on which there was an outstanding balance due of \$23,546.33.
2. Citibank duly filed a Proof of Claim relative to such debt which included the requisite Mortgage Proof of Claim Attachment detailing the various components making up the balance due, which in this case included monthly escrow payments for taxes and insurance.
3. The escrow analysis used by Citibank for its Proof of Claim reflected two (2) escrow disbursements by Citibank in October 2019, one for \$1,175.78 and one for \$2,372.38, for a total of \$3,548.16, relative to property taxes.
4. Citibank then used such total of \$3,548.16 for purposes of calculating the necessary escrow payment due from the Debtor for December 2019 through December 2020.
5. The Debtor has now objected to Citibank’s Proof of Claim, asserting that the \$3,548.16 used by Citibank in its escrow calculation is erroneous, in light of the fact that the 2019 assessed taxes on the Real Property were only \$1,175.78.
6. Citibank has investigated the situation and determined that the Debtor is correct; the second tax payment in October 2019 for \$2,372.38 was relative to another parcel of real estate in which the Debtor has no interest.
7. Accordingly, Citibank is in the process of reversing the \$2,372.38 charge for the tax payment on the unrelated parcel of real estate and recalculating the Debtor’s current escrow payment based solely on the \$1,175.78 tax bill paid by Citibank relative to the Real Property.
8. Once those actions are complete, Citibank will then amend its Proof of Claim once more to reflect the corrected numbers, which should resolve the Debtor’s Objection in its entirety.

Dated: August 7, 2020.

KIRSCHBAUM, NANNEY, KEENAN & GRIFFIN, P.A.

By: s/ Pamela P. Keenan
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day, she served a copy of the foregoing on the parties in interest either electronically or by depositing copies of same in a depository under the exclusive care and custody of the United States Postal Service, in a postage-paid envelope, addressed as follows:

Mary Francis Hargett
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This the 7th day of August, 2020.

/s/ Gwen T. Best
Gwen T. Best
Paralegal